

JOHN F. COOK
MAYOR

JOYCE WILSON
CITY MANAGER



CITY COUNCIL
ANN MORGAN LILLY, DISTRICT 1
SUSIE BYRD, DISTRICT 2
EMMA ACOSTA, DISTRICT 3
CARL L. ROBINSON, DISTRICT 4
MICHEL R. NOE, DISTRICT 5
EDDIE HOLGUIN JR., DISTRICT 6
STEVE ORTEGA, DISTRICT 7
CORTNEY CARLISLE NILAND, DISTRICT 8

REVISED

AGENDA FOR REGULAR COUNCIL MEETING

March 13, 2012
COUNCIL CHAMBERS, CITY HALL
8:30 a.m.

AND

LEGISLATIVE REVIEW MEETING OF THE WHOLE
10th FLOOR CONFERENCE ROOM
March 12, 2012
9:00 a.m.

NOTICE: At any time during the Council meeting, the City Council may meet in executive session pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Chapter 551, Subchapter D, to discuss items as permitted by law.

PLEASE NOTE: If items are scheduled for the Executive Session, the Council will move to Executive Session at 12:00 p.m. (noon) for the consideration of those items, or will hear the items at the end of the agenda or as determined by the Presiding Officer, whichever occurs first.

ROLL CALL

INVOCATION BY POLICE CHAPLAIN LISLE DAVIS

PLEDGE OF ALLEGIANCE

MAYOR'S PROCLAMATIONS

1. AMERICORPS WORKS WEEK 2012
2. SOUTHWEST CAREER COLLEGE WEEK IN EL PASO
3. NATIONAL NUTRITION MONTH AND NATIONAL REGISTERED DIETITIAN DAY

RECOGNITION

STAR ON THE MOUNTAIN – OCTAVIO GOMEZ

CALL TO THE PUBLIC – PUBLIC COMMENT

This time is reserved for members of the public who would like to address the City Council on items that are not on the City Council Agenda.

A sign-up form is available on line at https://www.elpasotexas.gov/muni_clerk/contact_public.asp for those who wish to sign up in advance of the meeting date and a sign-up form is available outside the City Council Chambers at the City Clerk table for those who wish to sign up on the day of the meeting.

NOTICE

Requests to speak must be received by **8:30 a.m.** on the date of the meeting.
30 Minutes total is allotted for speakers.
Three to five minutes may be allowed for each speaker.

NOTICE TO THE PUBLIC

All matters listed under the CONSENT AGENDA, including those on the Addition to the Agenda, will be considered by City Council to be routine and will be enacted by one motion unless separate discussion is requested by Council Members. Prior to the vote, members of the audience may ask questions regarding items on the consent agenda. When the vote has been taken, if an item has not been called out for separate discussion, the item has been approved. Council may, however, reconsider any item at any time during the meeting. The wording of all agenda items shall appear in the minutes of this meeting of the City Council as posted, unless otherwise revised by this or other motion of Council, without the necessity of the City Clerk reading the wording of each item into the record.

CONSENT AGENDA

1. APPROVAL OF MINUTES:

Approval of Minutes for the Regular City Council Meeting of March 6, 2012.
[Municipal Clerk, Richarda Duffy Momsen, (915) 541-4127]

2. REQUEST TO EXCUSE ABSENT CITY COUNCIL MEMBERS:

Representative Cortney Carlisle Niland

3. RESOLUTIONS:

3A. That the City Manager be authorized to give notice to Clear Channel Outdoor, Inc. to terminate the March 2, 1999 License Agreement for 12 outdoor advertising signs on a portion of Airport property beginning east of Carnegie Street at 10151 Montana and extending east to 10687 Montana, El Paso, Texas. **(District 2)** [Airport, Monica Lombrana, (915) 780-4724]

3B. A Resolution that Lowbrow Palace, LLC be authorized to provide for the sale and service of alcoholic beverages at the St. Patrick's Day Block Party in the closed portion of Robinson Street between Oregon Street and N. Mesa Street from 12:00 p.m. Saturday, March 17, 2012, to 2:00 a.m. Sunday, March 18, 2012. **(NESV12-00004) (District 1)**
[Department of Transportation, Mirian Spencer, (915) 541-4050]

3C. That the Solid Waste liens on the attachment posted with this agenda be approved. (See Attachment A) **(Districts 1, 2, 3, 5, 6, 7 and 8)**
[Environmental Services, Ellen A. Smyth, (915) 621-6719]

- 3D.** Approve a Resolution dedicating as parkland approximately .4380 acres of City property located at 1510 North El Paso Street and described as a portion of Block 48, Alexander Addition, El Paso, Texas. **(District 8)**
[Parks and Recreation, Nanette Smejkal, (915) 541-4283]
- 3E.** A Resolution authorizing the City Manager to approve to electronically submit complete grant application packet to the Criminal Justice Division (Office of the Governor of the State of Texas) for the General Victim Services FY13 grant program in the total amount of \$226,180; which includes a funding request of \$180,943 and a cash match amount of \$45,237. **(All Districts)**
[Police, Robert Feidner, (915) 564-7166]
- 3F.** That the City Manager be authorized to sign the First Amendment to the Agreement by and between the City of El Paso ("City") and Texas Tech University Health Sciences Center Department of Internal Medicine ("TTUHSC") to eliminate all references to TTUHSC physician coverage for the City's Tuberculosis Clinic from the Agreement entered into on October 1, 2012 by and between the City and TTUHSC. **(All Districts)**
[Public Health, Michael Hill, (915) 771-5702]

4. BOARD RE-APPOINTMENT:

Jose Larry Garcia to the Fair Housing Task Force by Representative Susie Byrd, District 2. [Representative Susie Byrd, (915) 541-4416]

5. BOARD APPOINTMENTS:

- 5A.** Raquel A. McCoy to the Foster Grandparent Advisory Council by Representative Michiel Noe, District 5. [Representative Michiel R. Noe, (915) 541-4701]
- 5B.** Rito E. Carrera to the City Accessibility Advisory Committee by Representative Steve Ortega, District 7. [Representative Steve Ortega (915) 541-4124]
- 5C.** Lilia B. Limón to the Museums and Cultural Affairs Advisory Board by Representative Steve Ortega, District 7. [Representative Steve Ortega, (915) 541-4124]
- 5D.** Gabriela A. Gallegos to the Ethics Review Commission by Representative Susie Byrd, District 2. [Representative Susie Byrd, (915) 541-4416]

6. REQUESTS TO ISSUE PURCHASE ORDERS:

- 6A.** Request that the Purchasing Manager for Financial Services, Purchasing Division be authorized to issue a Purchase Order to Sigma Solutions, Inc., a contractor under Department of Information Resources (DIR) Contract No. DIR-SDD-1385 for Cisco VoIP and Network equipment and licenses. The City has made the determination that purchasing from this cooperative offers the most cost-effective pricing.

The participation by the City of El Paso in the Department of Information Resource (DIR) Cooperative Purchasing Program was approved by Mayor and City Council on February 27, 2007.

Department: Information Technology
Award to: Sigma Solutions, Inc.
San Antonio, TX
Total Estimated Award: \$137,779.18
Account No.: 14400500 – 27051 – 508010 – PCP12IT03
Funding Source: 2012-2013 Certificates of Obligation Bond-
Capital Funds
Reference No.: 2012-174
Districts: All

This is a Cooperative, unit price contract.
[Information Technology, Miguel Gamino, (915) 541-4746]
[Financial Services, Bruce D. Collins, (915) 541-4313]
POSTPONED FROM 2-28-2012

- 6B.** Request that the Purchasing Manager of Financial Services, Purchasing Division be authorized to exercise the City's option to purchase up to 100% of the original contract quantities under Contract No. 2011-146 (Body Armor Carriers and Ballistic Plates) with Casco Industries, Inc. and Tactical Gear Now, Inc., pursuant to the provisions of the solicitation and the award approved by the City Council on December 13, 2011.

Department: Police
Award to: Vendor 1 Casco Industries, Inc. (Alternate 1)
Vendor Location: Shreveport, LA
Items: 1 and 2
Total Estimated Award: \$14,338

Award to: Vendor 2 Tactical Gear Now, Inc.
Vendor Location: Richardson, TX
Item: 3
Total Estimated Award: \$57,507.60

Total Estimated Award: \$71,845.60
Account No.: 21150010 – 503303 – 05929 – G211016
Funding Source: Department of Justice/Office of Justice Programs/
Bureau of Justice Assistance Grant FY09
Districts: All

This is a Best Value, unit price contract.
[Police, Robert Feidner, (915) 564-7166]
[Financial Services, Bruce D. Collins, (915) 541-4313]

7. REQUEST FOR PROPOSAL:

The award of Solicitation No. 2012-045R (Analysis of Availability/Demand for Type A Accessible Housing in the City of El Paso) to The University of Texas at El Paso - Institute for Policy and Economic Development for a total estimated award of \$55,000.

Department: Community and Human Development
Award to: The University of Texas at El Paso -

	Institute for Policy and Economic Development El Paso, TX
Items:	All
Option:	None
Annual Estimated Amount:	\$55,000
Total Estimated Award:	\$55,000
Account No.:	71150069 – 508027 – 07747 – G7129CD0001
Funding Source:	Community Development Contingency
Districts:	All

This is an RFP, service contract.

The Financial Services - Purchasing Division and Community & Human Development recommend award as indicated to The University of Texas at El Paso - Institute for Policy and Economic Development, the sole respondent.

[Community and Human Development, William L. Lilly, (915) 541-4500]
[Financial Services, Bruce D. Collins, (915) 541-4313]

REGULAR AGENDA - INTRODUCTIONS

8. INTRODUCTION OF ORDINANCES PURSUANT TO SECTION 3.9 OF THE EL PASO CITY CHARTER:

**Public comment typically is not taken during the introduction of ordinances.
Public comments are invited at the date of the scheduled public hearing.**

- 8A.** An Ordinance amending Title 2 (Administration and Personnel), Chapter 2.92 (Ethics); of the City Code by amending Section 2.92.070 A (Reporting Requirements) to revise the requirements for filing financial disclosure forms by City Board and Commission members; the penalty is as provided in Section 2.92.150 of the El Paso City Code. **(All Districts)**
[City Manager, Joyce Wilson, (915) 541-4884]
- 8B.** An Ordinance authorizing the City Manager to sign a Contract of Sale with El Paso Motorsports, Inc., (d/b/a Sun City Built) for the sale of the property at 10969 Duke Snider Circle, El Paso, Texas in the amount of \$48,711.56. **(District 4)**
[Engineering and Construction Management, R. Alan Shubert, (915) 541-4423]
- 8C.** An Ordinance vacating a portion of Wheeling Street between Blocks 12 and 13, Manhattan Heights Addition, City of El Paso, El Paso County Texas. SUB10-00030 **(District 2)** [Planning and Economic Development, Raul Garcia, (915) 541-4935]
- 8D.** An Ordinance authorizing the City Manager to sign a lease with El Paso Independent School District for 85,400 square feet of property at Memorial Park (including a portion of a vacated street) for a 99 year term. Consideration will be a 99 year lease of District property in northeast El Paso for city's use as a public park. **(District 2)**
[Engineering and Construction Management, R. Alan Shubert, (915) 541-4423]
[Parks and Recreation, Nanette Smejkal, (915) 541-4331]

PUBLIC HEARING WILL BE HELD ON MARCH 20, 2012, FOR ITEMS 8A – 8D

- 8E.** An Ordinance granting Special Permit No. PZST11-00016, to allow for a 100% parking reduction on the property described as all of Lot 16, and the East ½ of Lot 15, Block 107, East El Paso Addition, City of El Paso, El Paso County, Texas pursuant to Section 20.04.320 of the El Paso City Code. The penalty being as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 3329 Montana Avenue. Property Owner: Dr. Rafael Armendariz. PZST11-00016 **(District 8)** [Planning and Economic Development, Andrew Salloum, (915) 541-4633]
- 8F.** An Ordinance changing the zoning of Tracts 7K, 7K1, 7L1, 7L1A, and 7L1B, Block 35, Ysleta Grant, City of El Paso, El Paso County, Texas from R-F (Ranch and Farm) to PR-I (Planned Residential I) and approving a Detailed Site Development Plan to allow the development of a Senior Housing Living Community. The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: Independence Drive and Elvin Way. Property Owner: City of El Paso. PZRZ12-00002 **(District 6)**
[Planning and Economic Development, Esther Guerrero, (915) 541-4720]
- 8G.** An Ordinance amending Title 20 (Zoning), Chapter 20.18 (Sign Regulations) Section 20.18.410 (R-F, R-1, R-2, R-2A, R-3, R-3A, R-4, R-5, RMH, PR-II and PMD Districts) of the El Paso City Code to add school and church monument signs and requirements. The penalty is as provided for in Chapter 20.24 of the El Paso City Code. **(All Districts)**
[Planning and Economic Development, Arturo Rubio, (915) 541-4633]
- 8H.** An Ordinance changing the zoning of a portion of Tract 3, Block 10, Boothville Subdivision, City of El Paso, El Paso County, Texas from R-F (Ranch and Farm) to C-2 (Commercial). The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 8623 North Loop Drive. Applicant: Aseo, Inc. PZRZ11-00059 **(District 7)**
[Planning and Economic Development, Andrew Salloum, (915) 541-4633]
- 8I.** An Ordinance granting Special Permit No. PZST11-00017, to allow a ballroom on the property described as a portion of Tract 3, Block 10, Boothville Subdivision, City of El Paso, El Paso County, Texas pursuant to Section 20.04.320 of the El Paso City Code. The penalty being as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 8623 North Loop Drive. Property Owner: Aseo, Inc. PZST11-00017 **(District 7)**
[Planning and Economic Development, Andrew Salloum, (915) 541-4633]

PUBLIC HEARING WILL BE HELD ON APRIL 3, 2012, FOR ITEM 8E – 8I

Public Hearings will be held as part of the regular City Council meeting that begins at approximately 8:30 a.m. All interested persons present shall have an opportunity to be heard at that time. After the public hearings, Council may also delay taking action on Ordinances; no requirement is made by Section 3.9B of the El Paso City Charter to publish any further notice. Copies of all Ordinances are available for review in the City Clerk's office, 2 Civic Center Plaza, Monday through Thursday, 7:00 a.m. to 6:00 p.m.

REGULAR AGENDA – OTHER BIDS, CONTRACTS, PROCUREMENTS

9. GENERAL SERVICES:

Discussion and action on the award of Solicitation No. 2012-135 (Landfill Dozer) to Tom Growney Equipment, Inc. for a total of \$555,900.

Department:	General Services
Award to:	Tom Growney Equipment, Inc. El Paso, TX
Item:	Item 1
Option:	Option to purchase additional quantity within 180 days of award
Total Award:	\$555,900
Account:	34010289 – 508029 – 40499 –PSWM0017
Funding Source:	Environmental Services Department, Heavy Off Road Equipment
Districts:	All

This is a Best Value, unit price contract.

The Financial Services - Purchasing Division and General Services recommend award as indicated to Tom Growney Equipment, Inc., the vendor offering the best value bid.

[General Services, Stuart Ed, (915) 621-6822]

[Financial Services, Bruce D. Collins, (915) 541-4313]

10. HUMAN RESOURCES:

Discussion and action on the award of Solicitation No. 2012-064R Fully Insured Retiree Group Medical and Prescription Drug Plan; Fully Insured Group Medicare Advantage Plans; Fully Insured Medicare Supplement Plan F Plans, Fully Insured Medicare Part D Plans to Aetna Life Insurance Company for fully insured medical and pharmacy benefits for retirees less than 65 years of age (Part 1) and for fully insured group Medicare Advantage Plan for retirees over 65 years of age (Part 2), and Medco Health Solutions Inc. for fully insured Medicare Part D Plan for retirees over 65 years of age (Part 4) for a total estimated award of \$14,260,954.08.

Department:		Human Resources
Award to:	Vendor 1	Aetna Life Insurance Company Hartford, CT
Items:		Part 1 and Part 2
Option:		Two 1 Year Options
Annual Estimated Amount:		\$ 5,456,886.96
Total Estimated Award:		\$10,913,773.92 (2 years)
Award to:	Vendor 2	Medco Health Solutions Inc. Franklin Lake, NJ
Item:		Part 4
Option:		Two 1 Year Options
Annual Estimated Amount:		\$ 1,673,590.08

Total Estimated Award: \$ 3,347,180.16 (2 years)

Total Estimated Award: \$14,260,954.08 (2 years)
Account No.: 09100248 – 502111 – 45121
09100248 – 502138 – 45121
Funding Source: Health Benefit Fund
Districts: All

This is an RFP, services contract.

The Financial Services - Purchasing Division and Human Resources recommend award as indicated to Aetna Life Insurance Company and Medco Health Solutions Inc., the highest ranked proposers based on evaluation factors established for this procurement.
[Human Resources, Linda Thomas, (915) 541-4102]
[Financial Services, Bruce D. Collins, (915) 541-4313]

REGULAR AGENDA – OTHER BUSINESS

11. MAYOR AND COUNCIL:

- 11A.** Discussion and action on Greater Chamber of Commerce's Medicaid Forum and how to increase access to health care for the El Paso community.
[Representative Michiel Noe, (915) 541-4701]
- 11B.** Update and discussion of current status of the FEMA designated flood plains maps in El Paso. [Representative Carl L. Robinson, (915) 541-4400]
- 11C.** Update and discussion on the status of the Broadband Technology Opportunities Program (BTOP) grant received on or about September 2010, the various phases completed, phases pending to be completed and associated target dates, total amount of purchase orders issued by company name to date, pending purchase requirements and estimated costs, amount of city funds utilized to fund the BTOP project as well as in-kind associated expenses to date, if any, the number of locations required to be set up for training, a list of locations that have been set up for training, pending locations if any, the number of El Pasoans that have been trained on computer skills to date, and the number of personnel hired to date utilizing the BTOP grant. [Representative Emma Acosta, (915) 541-4515]

EXECUTIVE SESSION

The City Council of the City of El Paso may retire into **EXECUTIVE SESSION** pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Chapter 551, Subchapter D, to discuss any of the following: (The items listed below are matters of the sort routinely discussed in Executive Session, but the City Council of the City of El Paso may move to Executive Session any of the items on this agenda, consistent with the terms of the Open Meetings Act and the Rules of City Council.) The City Council will return to open session to take any final action and may also, at any time during the meeting, bring forward any of the following items for public discussion, as appropriate.

Section 551.071 CONSULTATION WITH ATTORNEY
Section 551.072 DELIBERATION REGARDING REAL PROPERTY

Section 551.073	DELIBERATION REGARDING PROSPECTIVE GIFTS
Section 551.074	PERSONNEL MATTERS
Section 551.076	DELIBERATION REGARDING SECURITY DEVICES
Section 551.087	DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS

Discussion and action on the following:

- EX1.** Lizbet Tapia vs. City of El Paso; Cause No. 2011-DCV08222 (551.071)
[City Attorney's Office, Karla M. Nieman (915) 541-4550]

- EX2.** Application of El Paso Electric Company to amend its Certificate of Convenience and Necessity for Five Solar Power Generation Projects, Public Utility Commission of Texas Docket No. 39973 (551.071) [City Attorney's Office, Sylvia Borunda Firth, (915) 541-4550]

- EX3.** Patriot Place, Ltd. Bankruptcy Case No. 11-310224-hem (551.071)
[City Attorney's Office, Laura P. Gordon (915) 541-4550]

- EX4.** Claim of Abelardo Pichardo, Our File #11-C-005 (551.071)
[City Attorney's Office, Kenneth Krohn, (915) 541-4550]

NOTICE TO THE PUBLIC:

Sign Language interpreters are provided for regular City Council meetings. Copies of this Agenda will be provided in Braille, large print, or audiotape upon requests made a minimum of 48 hours prior to the meeting.

Hearing Assistance Devices are available upon request.

ALL REGULAR CITY COUNCIL AGENDAS ARE PLACED ON THE INTERNET EVERY THURSDAY AT THE ADDRESS BELOW:

<http://www.elpasotexas.gov/>